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C O N F I D E N T I A L SECTION 01 OF 02 GUATEMALA 002441

SIPDIS

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TAGS: PHUM PREL KJUS SNAR GT

SUBJECT: BAD BLOOD BETWEEN OMBUDSMAN AND PROSECUTOR:
HARMLESS TURF BATTLE OR A THREAT TO HUMAN RIGHTS
INVESTIGATIONS?

REF: GUATEMALA 2221

Classified By: Human Rights Officer Katharine Read, reason 1.5 (d)

1. (U) Summary: In the wake of the break-in at the Human Rights Ombudsman's Office on August 26 (reftel), a dispute over the motivation for the break-in erupted between the Public Ministry and the Ombudsman's Office. This dispute has divided opinion of human rights groups and threatens to permanently damage the working relationship and credibility of two key GOG institutions charged with defending human rights. End Summary.

2. (U) On August 26, the Human Rights Ombudsman's Office (PDH) was burglarized and two computers were stolen. In the days that followed, the Ombudsman, Sergio Morales, and others in the domestic and international human rights community denounced the act as a flagrant attempt by the FRG and shadowy clandestine forces linked to the military to intimidate the PDH. EmbOffs visited the PDH and met with Morales to show solidarity and concern.

3. (U) In addition to asserting a political motivation behind the break-in, Morales criticized the Public Ministry for being slow to respond and claimed that the Special Prosecutor for Crimes Against Human Rights Workers, Telma de Lam, was not properly investigating the case. He implied that De Lam had curtailed her investigation due to political pressure and cited the fact that she has personal ties to the military through her father. (Note: The fact that De Lam's father was a colonel in the army has been widely known since her appointment, and never seemed to concern human rights activists. End Note.)

Attorney General Defends Troops

4. (U) Defending De Lam, Attorney General Carlos de Leon issued public statements calling Morales "irresponsible" for levying accusations against the integrity of the Public Ministry. De Lam told the press that she had been to the PDH the day that the burglary occurred, and that she had apprehended four of the suspects in what she characterized a common crime. De Leon also hosted a public event showcasing the advances of De Lam's office, including the investigations of the PDH break-in and Chimaltenango Auxiliary Ombudsman's murder, to show his institution's commitment to getting results in human rights cases.

Human Rights Groups Divided

5. (C) Sensing trouble, HROff met with human rights defenders Helen Mack and Claudia Samayoa on September 4 to discuss the clash between these two key human rights activists. Mack said that she respects the work that De Lam has done to build and professionalize her office, especially by developing a "rapid response" capacity to investigate crime scenes shortly after an attack. Mack and Samayoa both agreed that, while Morales is well-intentioned, he is damaging the credibility of all human rights defenders when as now, they implied, he "cries wolf," especially when the Public Ministry is finally developing a capacity to investigate threats against and attacks on the human rights community. They agreed, with HROff's suggestion, to recommend that Morales keep further conflicts with De Lam and the Public Ministry out of the press. Mack said that if Morales continued to "bash" De Lam, she would ask MINUGUA to release its independent verification of the PDH burglary, which she believed would support De Lam's version of the facts.

6. (C) Not everyone in the human rights movement shares Mack and Samayoa's opinions. Human rights leaders Frank LaRue (CALDH) and Mario Polanco (GAM) told us privately that they believe that Morales was wrong to make aggrandizing and fictitious statements to the press about the burglary, but they publicly support the work of the PDH and have made statements to the press suggesting that De Lam's military background was cause for concern.

MINUGUA Staying out of the Fray

7. (C) MINUGUA representative David Bahamondes told HROff

that they will not be releasing a verification report unless absolutely necessary, to avoid publicly taking sides in this dispute. Bahamondes said that MINUGUA privately believes that the break-in was not a political attack on the PDH, as Morales claims, but that MINUGUA would not attribute the attack to common crime either.

Embassy Attempts to Calm the Storm

18. (C) The Ambassador met with Attorney General De Leon in the days following the break-in, and urged De Leon to support De Lam without further provoking the Ombudsman; the USG is committed to seeing both institutions cooperate and succeed. DCM and HROff attended the Public Ministry's event showcasing De Lam's work, after cautioning Public Ministry spokeswoman Ana Lucia Alejos and De Lam herself that we would not support further mudslinging. HROff raised concerns about political influence and military linkages with De Lam, and said that we would continue to support her office politically and financially as long as she conducted complete, impartial investigations. De Lam responded that she would quit the day she felt her investigative independence compromised.

Comment

19. (C) The Ombudsman and the Special Prosecutor for Crimes Against Human Rights Workers are among the most critical state institutions for safeguarding the security of human rights defenders in Guatemala. This public tiff only damages their credibility, and forces the historically fractured human rights movement to chose sides. We will continue to encourage both institutions to work together and resist the temptation to turn their differences of opinion into national news.

HAMILTON